

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re Ex Parte Application of BAYERISCHE  
MOTOREN WERKE AG

Applicant,

For an Order Pursuant to 28 U.S.C. Section  
1782 Granting Leave to Obtain Discovery  
for Use in Foreign Proceeding.

Case No. 22mc115 (VB)

4/29/22

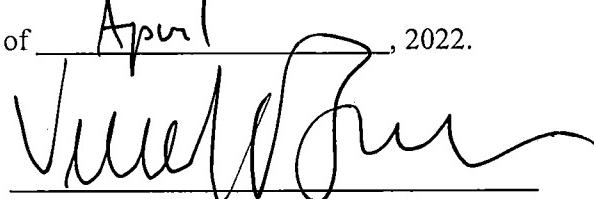
**ORDER GRANTING EX PARTE APPLICATION FOR LEAVE  
TO OBTAIN DISCOVERY PURSUANT TO 28 U.S.C. § 1782**

Upon review and consideration of Bayerische Motoren Werke AG's *Ex Parte* Application Pursuant to 28 U.S.C. § 1782 for an Order to Obtain Discovery for Use in Foreign Proceedings, draft subpoenas attached thereto as Exhibits A and B, accompanying Memorandum of Law, and Declarations of Lionel M. Lavenue and Tilman Muller-Stoy (collectively, the "Application"), seeking an order authorizing the issuance of subpoenas requiring Gerald Padian to provide documents and testimony for use in connection with patent litigation in Germany, the Court, being fully advised, having considered the Application, and finding good cause exists to exercise its discretion to do so,

**HEREBY GRANTS** the Application. It is further:

1. ORDERED that Applicant, by and through its counsel, is granted leave to issue a subpoena containing document requests in substantially similar form as those attached to the Application as Exhibit A, to Gerald Padian (the “Document Subpoena”), pursuant to the Federal Rules of Civil Procedure, and pursuant thereto to require Gerald Padian to produce documents, within 14 days of receipt of same (or on another mutually-agreeable date selected by the Applicant and Gerald Padian) to Finnegan, LLP, 1875 Explorer Street; Suite 800, Reston, VA 20190-602, or to any other location mutually-agreeable to the Applicant and Gerald Padian.
2. It is FURTHER ORDERED that Applicant, by and through its counsel, is granted leave to issue a subpoena containing deposition topics in substantially similar form attached to the Application as Exhibit B to Gerald Padian (the “Deposition Subpoena”), pursuant to the Federal Rules of Civil Procedure, and pursuant thereto to require Gerald Padian to appear for a remote deposition via video-conferencing technology (e.g., Zoom), to be arranged by Applicant, and which will be recorded by video and stenographically by a company engaged in such services to be designated by Applicant, within 14 days of Gerald Padian’s compliance with the Document Subpoena (or on another mutually agreeable date selected by the Applicant and Gerald Padian).

IT IS SO ORDERED on this 29 day of April, 2022.  
White Plains, New York



Juel W. Burrell  
UNITED STATES DISTRICT JUDGE

The Clerk is instructed to terminate the motion (Doc. #1) and close this case.